

DAKOTA CRUTCHFIELD §
v. § CIVIL ACTION NO. 6:14cv202
DIRECTOR, TDCJ-CID §

The Petitioner Dakota Crutchfield, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Crutchfield was convicted of placing a serial number on a vehicle with intent to change the identity of the vehicle, a third degree felony. He pleaded guilty to the offense and true to an enhancement allegation, raising the punishment range to two to 20 years. The trial on punishment was to a jury, which assessed a 17 year sentence.

After pursuing a direct appeal and collateral relief in state court, Crutchfield filed a federal habeas corpus petition. The Respondent filed an answer, to which Crutchfield filed a reply and supplemental reply.

After review of the pleadings and the state court records, the magistrate judge issued a report recommending that Crutchfield's habeas corpus petition be denied. No objections were filed to the report; consequently, the parties are barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate

review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined that the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the report of the magistrate judge (docket no. 54) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that the Petitioner Dakota Crutchfield is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

SIGNED this 16th day of June, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE